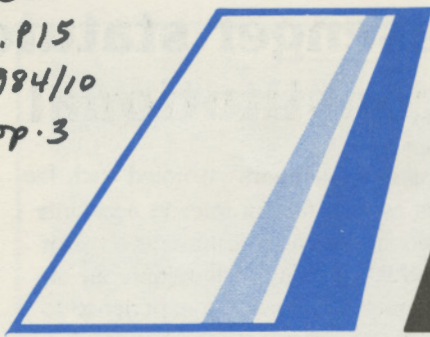


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# Palmetto AVIATION

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## Baker, Howe debate highlights seventh S.C. Airports Conference



John Baker, left, president of the Aircraft Owners and Pilot's Association, and Jonathan Howe, director, FAA Southern Region, kept more than 130 people in their seats for an hour and a half as they debated the pros and cons of various FAA programs during the Seventh Annual S.C. Airports Conference, (Aeronautics Commission Photo).

### Record number register for Airports Conference

More than 100 people attended the Seventh Annual S.C. Airports Conference in Charleston last month and heard discussions on variety of topics, from asphalt pavement maintenance to public relations.

"I think everyone who attended got a lot of useful information out of the sessions this year," said Wayne Corley, principal planner for the conference.

The conference highlight was a luncheon debate between AOPA president John Baker and FAA Southern Region Director Johnathan Howe.

The first business session Thursday morning, was a panel discussion on Airport Profitability featuring Bruce Matthews, manager of Airport Development, N.C. Department of Transportation; Jim Hamilton, manager of Owens Airport and owner of Midlands Aviation in Columbia; and Elton Culpepper, chairman Colleton County Airport Commission.

Following the panel discussion, Lynne Douglas, administrative assistant for public relations at the Columbia Metropolitan Airport, spoke on Air-

John Baker, the vocal president of the Aircraft Owners and Pilot's Association (AOPA) and Jonathan Howe, FAA Southern Region Director debated several topical issues last month, but when all was said the two men differed mainly in degree, not in kind.

The men were the featured speakers during the Seventh Annual S.C. Airports Conference at the Charleston Marriott last month. Howe, a Yale trained lawyer, spoke first and gave his agency's position on the Flight Service Station modernization program, the Aviation Trust Fund surplus and the airport congestion problem.

Saying "Service is the bottom line," Howe explained that the automated Flight Service Stations (FSS) will reduce telephone congestion and increase weather reporting with links to automated weather observation sites.

He said pilots would be able to get their own weather using a home computer and telephone hookup to the FSS. Noting that the automated weather equipment samples the actual weather each minute he said, "Real time weather reporting is a real possibility with these systems."

Baker acknowledged that the antiquated FSS system needs modernization, but he said AOPA is "indignant" at the "high-handed way" FAA has gone about it. In many areas, including South Carolina, the area of high activity is not the place where the new FSS is going to go.

Baker said the FAA should go ahead with the automated FSS but

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PALMETTO AVIATION is an official publication of the South Carolina Aeronautics Commission. It is designed to inform members of the aviation community, and others interested in aviation, of local developments in aviation and aviation facilities and to keep readers abreast of national and international trends in aviation.

The Aeronautics Commission is a state agency created in 1935 by the S.C. General Assembly to foster and promote air commerce within the state.

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# Aircraft guest passenger statute rejected as unconstitutional

By Henry M. Burwell

Dr. A. Kitchen, his wife and two daughters died in a small aircraft crash which also killed the pilot. The doctor was a part owner of the aircraft. The estate of the doctor sued the estate of the pilot. The defendant's estate successfully raised the Utah Aircraft Guest Statute as a defense to the action. The trial court ruled that because the Kitchens were guests aboard the aircraft, they had to show that their injuries were as a result of certain exceptions in the statute in order to recover damages from the pilot's estate. Since the Kitchens failed to fit any of the exceptions, the court granted summary judgment for the defendant. The plaintiff appealed challenging the constitutionality of the Aircraft Guest Statute under both the Utah and United States Constitutions. (*Johnson v. Stoker*, 18 Avi 8, 122, Utah Supreme Court, No. 18612, July 5, 1984).

The test applied by the Utah Supreme Court to review the constitutionality of the Aircraft Guest Statute under Utah law was the same one applied which earlier resulted in the rejection of the Utah Automobile Guest Statute as unconstitutional. According to the court, such a guest statute must operate uniformly on the members of the class and the classification made by the statute must be reasonable in light of the statute's purpose.

Both the Aircraft Guest Statute and the Automobile Guest Statute established similar exceptions under which the passenger would be allowed to sue the operator. Those exceptions included willful misconduct or intoxication of the pilot, legal incapacity to accept a ride, participation in a joint enterprise, and payment of a share of the cost of the ride. The historical reasons to prohibit suit by a passenger unless he fits within one of the exceptions has been justified on the grounds to prevent collusive suits between the operator and passengers against insurance companies.

The court found that the Aircraft Guest Statute had so many exceptions and irregularities that it did not have

"uniform operation." It noted such factors as high fatality rates in accidents limiting passenger testimony on pilot conduct, inability to terminate an objectionable flight and inexperience to recognize hazardous conditions as reasons leading to irregular application of the statute. Consequently, the court held these irregularities in application to be unreasonable and invidious discrimination among the class of aircraft guests. As such, the lack of uniform operation was determined to be unconstitutional under the Utah law.

The court also found that the Aircraft Guest Statute lacked any rational relationship between the language of the statute and any apparent objectives of the law. The three justifications of promoting hospitality towards hitchhiking passengers, prevention of collusive suits and reducing accident insurance rates were rejected as reasons to uphold the statute. Thus, the court held the absence of the rational relationship to be an independent ground to find the statute unconstitutional.

In reaching its holding, the Utah Supreme Court reviewed several states which have repealed or declared unconstitutional their aircraft guest passenger statute. It noted South Carolina was one of three states which have declared its automobile guest statute unconstitutional that has nearly identical language in its aircraft guest statute.

Our aircraft guest passenger statute prohibits recovery from an owner or operator of an aircraft by an injured guest unless the accident was intentional or resulted from the reckless disregard of the rights of others or the guest was a paying passenger. (South Carolina Code Section 55-1-10). The South Carolina Supreme Court has declared our automobile guest passenger statute to be unconstitutional. Our aircraft guest passenger statute will likely suffer a similar fate if tested in its present form.

\*Mr. Burwell is the resident partner in the law firm of Barringer, Allen, Pinnix & Burwell, Greenville, S.C. office.





## Owens Airport Dedicated

Gov. Dick Riley, Sen. Ernest Hollings and Nancy Thurmond joined scores of local and state politicians and officials, pilots and well-wishers to dedicate the new Owens Airport Sept. 5. The completely rebuilt facility features a new 4,600 foot runway, new terminal building, maintenance hangar and T-hangars. It was funded entirely with state and county funds. The photograph below shows the view looking across the parking lot with the terminal building on the left and the maintenance hangar in the background, (*Aeronautics Commission Photos*).



## Fall Fly-In Oct. 6,7 at Clio

Clio Crop Care will hold its annual Fall Fly-In Oct. 6 and 7th.

Owner S.W. Hanke said the twice yearly event started out as a Stearman fly-in but soon changed to an "everything" fly-in.

"We normally have 10 or 15 Stearmans, five or six Pitts, Citabrias, At-6's, various homebuilts, ultralights and many factory built aircraft," he said.

"We also hope to have some Quickies and Q2's here. Our newly finished Avid Flyer will be available for rides for the interested and for those who have quit flying because it was just too expensive! Two gallons per hour of regular auto gasoline is not so hard on the pocketbook," he said.

Hanke said the Avid is not an ultralight but an experimentally licensed two-place STOL aircraft that cruises at 80 to 85 MPH.

Hanke's son, Ken will also give aerobatic demonstrations in the Phantom Ultralight.

Everyone with an interest in flying is invited, Hanke said. Motels are nearby or you can camp on the field. ➔

## Thunderbirds to perform at Shaw AFB

The U.S. Air Force Thunderbirds Flight Demonstration Team will perform Saturday, Oct. 13 at Shaw AFB during open house there.

Besides the Thunderbirds, there will be a drill and ceremony by the Air Force Honor Guard, a guard dog and weapons demonstration by base security police and static displays of various kinds of aircraft including the F-16, RF-4C and O-2.

Open House will be from 10 a.m. to 5 p.m. Food and refreshments will be available. ➔

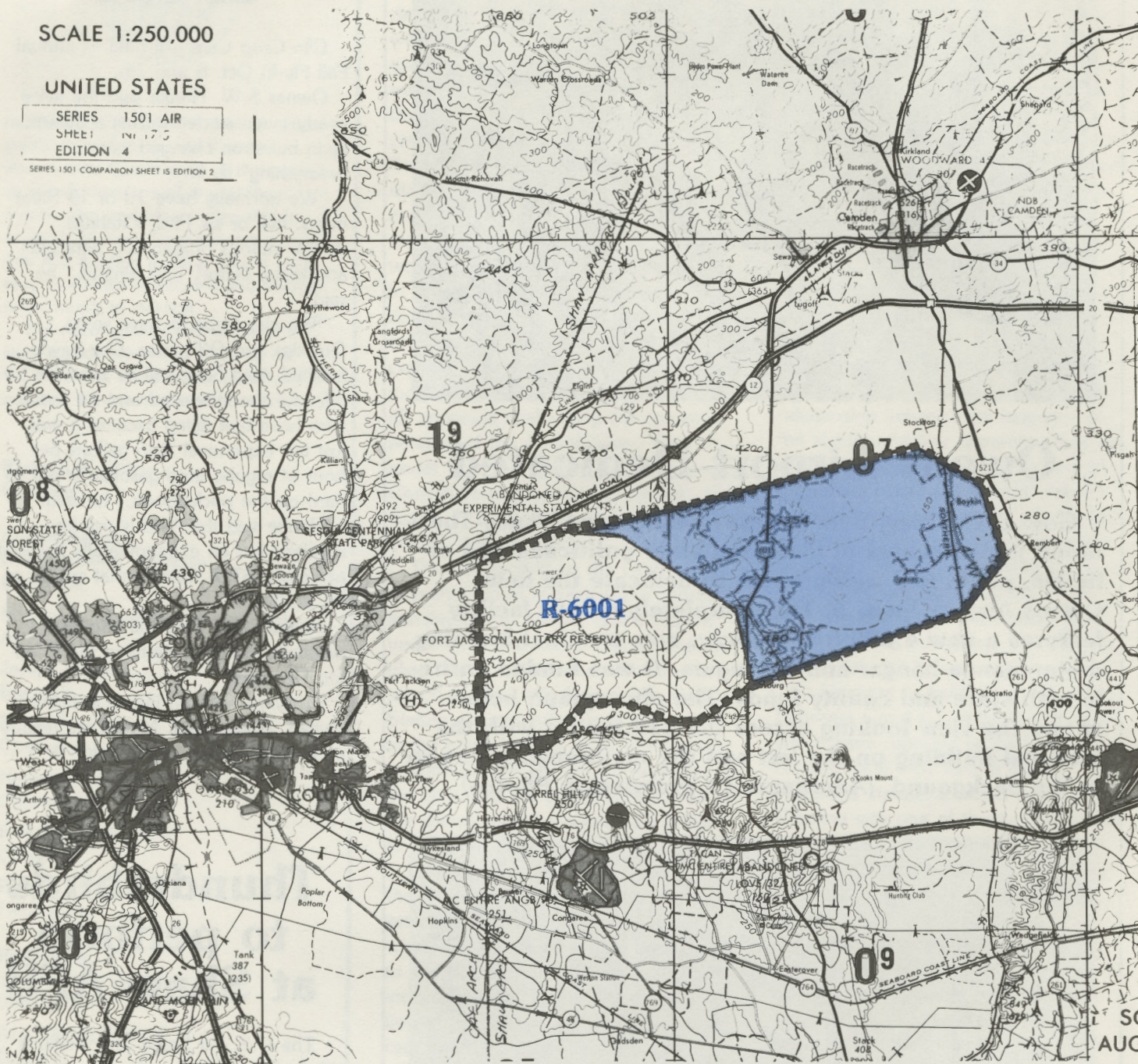


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## Shaw begins using Gamecock Juliet MOA

"Gamecock Juliet" Military Operating Area (MOA) is located east of and used in conjunction with R-6001, Fort Jackson Range. The altitudes are 500 feet AGL to 3500 feet MSL. The hours of operation may vary; however, it will be reserved on a "real time basis." Shaw Radar Approach Control (RAPCON) will be the point of contact for any aircraft requesting status of Gamecock Juliet. This new MOA will be used by 363rd Tactical Fighter Wing, F-16, Shaw AFB aircraft for aerial delivery of ordinance. ➔



## Flight Instructor Refresher Course Oct. 27-28

The AOPA Air Safety Foundation will hold a Flight Instructor Refresher Course Oct. 27-28 at the Marriott Hotel in Columbia.

This FAA approved course allows Certified Flight Instructors (CFI's) to renew their certificate with all ratings. The course completion certificate is valid for 90 days.

The course begins at 7 a.m. Oct. 27 at the hotel, 200 Hampton St. The course fee is \$98. Call toll free 800/638-3101 to make reservations.

## NAIA maintenance school leads to A & P certificate

The North American Institute of Aviation which has operated a flight school at Conway for several years, now offers aviation maintenance training as well.

The NAIA School of Aviation Maintenance Technology offers a 13-month, 2,020 hour curriculum leading to FAA certification as licensed airframe and powerplant technicians.

Maintenance Training will take place at Conway-Horry County Airport where NAIA also operates its flight training programs.

Tuition for the Maintenance

Technology program is \$7,400 plus approximately \$1,400 for lab fees, books, tools and certification fees.

NAIA President Stanley E. Frie said the school will offer two \$7,400 scholarships to qualified students graduating from North or South Carolina High Schools. One award is made in each state.

The students should have a 3.5 grade point average and an interest in math and science to be eligible. For further information, call Stanley Frie at 803/397-9111. ➔

## FAA begins tests on computerized flight planning

Pilots at 10 U.S. airports will soon be filing flight plans and getting FSS weather information on video display terminals, the FAA announced. Direct User Access Terminals (DUAT) will be used in a three-month program conducted by the FAA Technical Center in Atlantic City, N.J.

According to the agency, pilots will be able to call up the desired information on the terminal's video display. Flight plan clearance will be given by radio when the pilots are ready to depart.

The technical center said the reactions and comments on DUAT will be analyzed at the conclusion of the program. If the survey proves successful, pilots may shortly be able to file flight

plans from their homes and offices using privately-owned personal computers.

The 10 airports where DUAT will be demonstrated are: Bader Field, Atlantic City, NJ; Cape May Coast Guard Air Station, NJ; Flying W Airport, Medford, NJ; Millville, NJ; Monmouth-Allaire, Belmar, N.J.; Miller Air Park, Toms River, NJ; Capital City Airport, New Cumberland, PA; Northeast Philadelphia and Philadelphia International, PA; and New Castle County Airport, DE.

FAA encouraged maximum use of the system. A pamphlet explaining DUAT was mailed last June to all pilots in the 10 areas. ➔

## Airport Conference

*Continued from page 1*

ports and Public Relations.

Following Mrs. Douglas, Col. Paul E. Landers, Commander, 437th Military Airlift Wing at Charleston AFB, discussed his command's mission at Charleston and the type flying primarily done.

After Col. Landers' presentation, there was a technical session on Airport pavement Maintenance featuring SCAC Airport Engineer Wayne Corley, Fred Waller of the Asphalt Institute and Jim Addison of the FAA.

Friday morning, the attendees were treated to a tour of the new Charleston International Airport terminal building now under construction.

➔

## Commission opposes SRP air restriction

The South Carolina Aeronautics Commission went on record last month as opposing the proposed prohibited area that would be established over the Savannah River Plant near Barnwell, S.C.

The Department of Energy asked that the prohibited airspace be established out of concern for terrorist attacks. Helicopter overflights would be prohibited entirely within the area and fixed wing flights would not be allowed below 3,000 feet.

During a public hearing at the Richmond County Civic Center on Sept. 12, Aeronautics Commission spokesman Bill Goodwin told FAA representatives that restricting aircraft in the more than 100 square mile area would do little to deter a determined terrorist attack but would cause much inconvenience to the large number of legitimate airspace users.

"In the opinion of the Commission, the proposed prohibited area does not make the Savannah River Plant any

more secure from terrorist attack than it is currently," Goodwin said.

"Having the area will apparently make the job of plant security personnel easier in reducing the number of aircraft they have to identify but that is a convenience we feel does not outweigh the inconvenience that would be imposed on the general aviation public," he concluded.

At the hearing, fourteen other people spoke, all expressing opposition to the prohibited area. ➔



DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
COLUMBIA ATC TOWER  
2821 AVIATION WAY  
W. COLUMBIA, SC 29169

ISSUED: AUGUST 28, 1984

EFFECTIVE: September 24, 1984

COLUMBIA ATC TOWER LETTER TO AIRMEN NUMBER 84-3

SUBJECT: PRACTICE INSTRUMENT APPROACHES

CANCELLATION: September 23, 1986

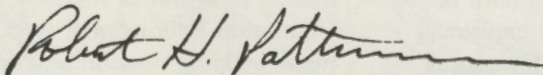
FAA policy states that standard separation criteria be provided to VFR aircraft practicing instrument approaches at the approach control's primary airport. This ensures a more efficient flow of IFR and VFR traffic in the terminal area.

Procedures used by Columbia Approach Control will ensure that neither VFR nor IFR practice approaches disrupt the flow of other arriving and departing IFR or VFR aircraft. This priority afforded other aircraft, however, is not intended to be so rigidly applied that it causes grossly inefficient application of services. Normally, approaches in progress will not be terminated and a minimum delay to an aircraft may be appropriate to allow for completion of a practice approach.

Controllers may authorize, withdraw authorization, or refuse to authorize practice approaches as traffic conditions require.

Pilots desiring to practice instrument approaches at Columbia Metropolitan Airport are requested to contact Columbia Approach Control on 124.9 or 285.6 if arriving from the north; or, 118.2 or 338.2 if arriving from the south.

Your cooperation is sincerely appreciated.



Robert H. Patterson  
Air Traffic Manager  
Columbia ATC Tower



## Breakfast Club



There are several changes to the S.C. Breakfast Club fly-in schedule for the remainder of the year.

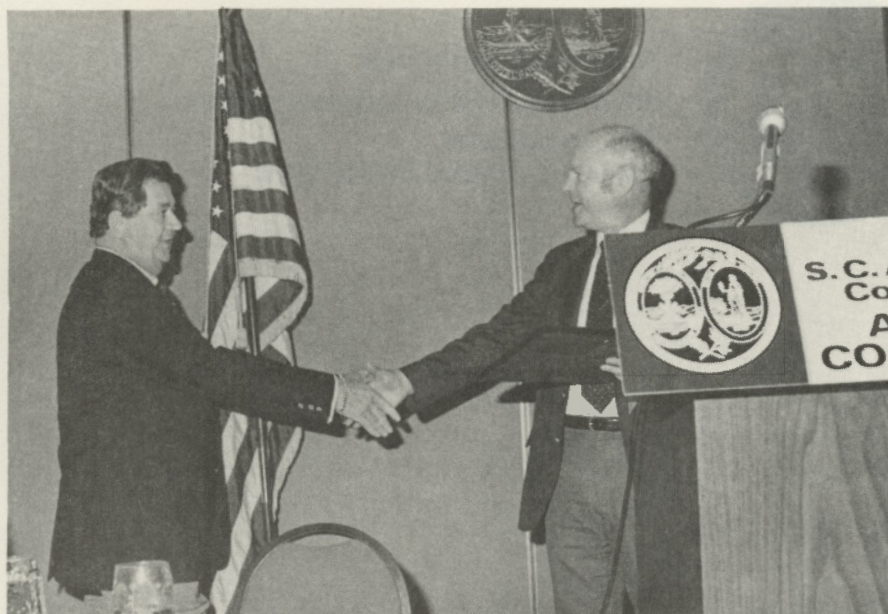
The Oct. 21st meeting has been changed from Orangeburg to Camden to coincide with the annual EAA Chapter 3 fall fly-in there. The annual meeting and election of officers has been moved to the following week. The schedule for the remainder of the year is as follows:

- Oct. 7** Holly Hill Airport, Holly Hill
- Oct. 21** Woodward Field, Camden (EAA fall fly-in)
- Oct. 28** Orangeburg Municipal, Orangeburg
- Nov. 4** Lancaster County, Lancaster
- Nov. 18** Huggins Airport, Timmonsville
- Dec. 2** Columbia Metropolitan (Columbia Aviation FBO is host)
- Dec. 16** Sumter Municipal Sumter

## Florence tower extends hours

The Florence ATC Tower and radar approach control facility now have extended hours of operation for the first time since the controller's strike.

Euford Hyman, manager of the Florence Tower said the new hours will be 6:30 a.m. to 10 p.m. Previously, the tower opened at 7:30 and closed at 5 p.m. ➔



## Hamilton Gets Commendation

S.C. Aeronautics Commission Director John W. Hamilton, left, accepts a certificate of commendation from Jonathan Howe, Director, FAA Southern Region. The Commendation, signed by FAA Administrator Donald Engen, cited Mr. Hamilton for "his outstanding efforts to promote aviation in the state." (Aeronautics Commission Photo)



## FAA plans to hire 1,400 new controllers

The FAA plans to hire 1,400 new air traffic controllers during the upcoming fiscal year, which will bring total controller strength within the agency to 14,300 controllers, a spokesman for FAA said. Fred Farrar of FAA's Public Affairs Office in Washington said the decision to hire the controllers "is nothing new," and it "has nothing to do with the delays."

The additional 1,400 controllers will still leave the ATC workforce some 1,700 controllers below the agency's pre-strike controller strength of 16,000. The hirings are expected to be completed "early in the next fiscal year," Farrar said. The fiscal year began October 1, 1984.

Farrar emphasized that there was no connection between the hiring of the controllers and delays being experienced at the country's busiest airports.

Last week, the Civil Aeronautics Board granted immunity from anti-trust laws allowing representatives of 21 major airlines to meet and decide schedules at these airports, in an attempt to alleviate congestion.

FAA Administrator Donald Engen has stated that if the airlines can't work out a solution to the problem, one might be imposed by the FAA. In recent Congressional testimony, Engen blamed the majority of delays at the busiest airports on weather.

Farrar said that to his knowledge, no former PATCO air traffic controllers applied for the 1,400 new openings, and none would have been given consideration if they had.

"The President said they were fired," Farrar said, "and as far as I know, they're going to stay fired." ➔





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## Baker, Howe, debate highlights Airports Conference

*continued from page 1*

also keep the existing FSS and specialists employed there to supplement the system.

"There isn't a machine that's been invented that can apply judgement," Baker said.

On the Airport congestion issue, both men agreed that airline scheduling practices have worked to impose constraints against general aviation. As Baker said, "There is no solution other than realistic scheduling..."

On the Aviation Trust Fund Surplus, Howe said the FAA would like to spend more of the trust fund money but couldn't because only so much was allocated by Congress each year.

Near the end of the debate, Baker attacked the FAA proposal to replace the existing ILS system with the new Microwave Landing System (MLS).

"That system won't do a damn thing for us," he said. It is one of those cockamamy schemes that somebody says is new so its got to be better."

Baker said that by 1990 when MLS is supposed to be in place, the U.S. will have a satellite-based system that will make both ILS and MLS obsolete.

Howe said the FAA is moving to make MLS a national standard, but he said the agency feels it is important to maintain the existing ILS systems "while we move to MLS."

Howe also said the satellite system mentioned by Baker currently doesn't have the accuracy necessary for precision instrument approaches.

MLS would allow pilots to fly curved approaches and would work better in hilly or mountainous terrain than the current ILS. ➔

## Mini-planning session aids sponsors

A mini-planning conference, designed to inform airport managers and sponsors how to go about applying for airport development funds was held for the first time this year at the state airport meeting.

Airport Engineer Wayne Corley explained to those attending that the Commission doesn't really make the decision as to which airport gets what monies.

"We make recommendations to the Joint Bond Review Committee and they, in turn, make recommendations to the legislature," he said.

"You need to get to your legislators now and plug your project," Corley said, adding that the legislature will take up the bond request in January, 1985.

Most airport managers were happy to learn that the Commission had resumed performing minor maintenance to airport lighting systems such as replacing lights, bulbs and lenses. Also, wind socks are available and can be ordered by calling on the Commission's toll free WATS line 800/922-0574. ➔

**This publication is printed and distributed by the South Carolina Aeronautics Commission in the interest of aviation safety and to foster the growth of responsible aviation in the state.**